

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6706

BILL NUMBER: HB 1130

DATE PREPARED: Apr 25, 2001

BILL AMENDED: Apr 24, 2001

SUBJECT: Court Fees for Document Management.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (A) It imposes a document storage fee and an automated record keeping fee in all civil, criminal, infraction, and ordinance violation cases.
- (B) It provides that the document storage fee is to be deposited in the court clerk's record perpetuation fund.
- (C) It provides that the automated record keeping fee is to be transferred to the state for distribution of money to the judicial technology and automation project fund. It appropriates the money in the fund to the use of the project.
- (D) It raises the bailiff's service fee for cases filed in the Marion County small claims court from \$6 to \$13.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Provision C would require an automated record keeping fee of \$2 be imposed on civil filings and in criminal, infraction and ordinance violation cases where a guilty verdict has been entered. The estimated revenue that this fee would generate is \$1.8 million each year. The proceeds from this fee would be deposited in the State User Fee Fund and be distributed to the Judicial Technology and Automation Project Fund.

Under the current formula, \$1,087,500 is transferred from the State User Fee Fund twice a year to seven funds related to criminal justice. Whatever is remaining in the fund is deposited to the Safe Schools Fund. Under this bill, \$1,288,000 would be transferred from the State User Fee Fund twice each year to these eight existing funds. In this new formula, the Safe Schools Fund would receive \$200,000 twice a year. The remaining balance would be deposited in Judicial Technology and Automation Project Fund.

The anticipated amount that the Judicial Technology and Automation Project Fund would be \$1.8 M once

the fee is established. The following table compares the differences in transfers under existing law and as proposed by this bill.

	<u>current law</u>	<u>current distribution</u>	<u>proposed percent</u>	<u>new distribution</u>	<u>difference</u>
alcohol and drugs countermeasures fund	17.73%	\$192,814	14.98%	\$192,942	\$128
drug interdiction fund	9.97%	\$108,424	8.42%	\$108,449	\$25
drug prosecution fund	5.54%	\$60,248	4.68%	\$60,278	\$30
corrections drug abuse fund	6.65%	\$72,319	5.62%	\$72,385	\$66
drug free communities fund	26.60%	\$289,275	22.47%	\$289,413	\$138
highway work zone patrols	9.45%	\$102,769	7.98%	\$102,782	\$13
family violence and victim assistance	<u>24.06%</u>	<u>\$261,653</u>	20.32%	\$261,721.60	\$69
safe schools fund (a)			<u>15.53%</u>	<u>\$200,026</u>	<u>\$200,026</u>
judicial technology fund (b)					
	100.00%	\$1,087,500	100.00%	\$1,288,000	\$200,500
	add	<u>\$200,500</u>			
		\$1,288,000			
	(a) receives balance		(b) would receive balance		

Explanation of Local Expenditures:

Explanation of Local Revenues: (Revised) Provision B: The fees for the document storage would be \$2 generating statewide revenue of \$1.8 M. The funds could be used to preserve records or to improve record keeping systems and equipment.

Provision D: Under current law, litigants filing a case in Marion County Small Claims Court are charged a filing fee and either a \$6 fee to have a summons mailed to a respondent or an \$8 fee for the constable staff to deliver to the respondent.

This bill would make both fees \$13. Any new revenues that this increase will generate are collected by the constable of the Marion County Small Claims Courts. These revenues are not deposited in any publicly reported funds.

The Marion County Small Claims Court has not issued protective orders in over 10 years. Consequently, repealing this fee for protective orders would cause no revenue loss to the Courts.

Marion County Small Claims Courts are located in each of Marion County's nine townships.

State Agencies Affected: Division of State Court Administration

Local Agencies Affected: Trial courts and city and town courts, Marion County Small Claims Courts

Information Sources: 1999 Judicial Report, Division of State Court Administration, Jim Catt, Wayne Township Constable, Wayne Township.